**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929**

**WP(C).No. 33989 of 2007(U)**

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**O.S.NO.811/2007 OF PRL.MUNSIFF COURT,NEYYATTINKARA.**

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**PETITIONER:**

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**GEETHA, D/O. SUNDARAN,**
**G.S. BHAVAN, MAVUNINNA KATTANGARA,**
**THIRUPURAM VILLAGE, NEYYATTINKARA,**
**THIRUVANANTHAPURAM.**

**BY ADV. SRI.D.VIJAYAKUMAR.**

**RESPONDENTS:**

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1. **USHA KUMARI, D/O. KAMALAMMA,**
   **J.C. BHAVAN, PUTHANKADA, THIRUPURAM VILLAGE,**
   **NEYYATTINKARA, THIRUVANANTHAPURAM.**

2. **PUNJAB NATIONAL BANK,**
   **STATUE BRANCH, THIRUVANANTHAPURAM,**
   **REPRESENTED BY ITS MANAGER.**

**BY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**M.N.KRISHNAN, J**

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**W.P.(C) No.33989 OF 2007**

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**Dated this the 16th day of November 2007**

**JUDGMENT**

This writ petition is filed seeking to stay the proceedings in C.M.P.No.3915 of 2007 of the Chief Judicial Magistrate Court, Thiruvananthapuram. At the outset, I may like to state that the writ petition totally lacks materials and something is stated about the attachment application and later reference is made to proceeding pending before the Chief Judicial Magistrate Court. It has to be presumed that the Bank approached the CJM under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 under Section 14 for delivery of possession and that section gives the power to the Magistrate concerned to use such force and it is further stated that no act of the Magistrate shall be called in question in any court or before any authority. Nothing is before the court to show regarding any mala fides and when the bank has got right it can proceed. It is for the party to pursue the remedy available under the said Act. Nothing is disclosed in the writ petition and therefore it cannot be entertained. Writ petition is dismissed

accordingly.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**